

Amendment No. 1 to HB2206

DeBerry J
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2284

House Bill No. 2206*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 37-1-110(a) is hereby amended by deleting the word "Before" at the beginning of the first sentence and substituting in lieu thereof the following:

"Upon receipt of information which appears to bring a juvenile within the jurisdiction of the court, before"

SECTION 2. Tennessee Code Annotated Section 37-1-110(a) is hereby amended by deleting the word "may" and substituting in lieu thereof the following phrase:

"shall make or cause to be made a preliminary inquiry and".

SECTION 3. Tennessee Code Annotated Section 37-1-110(a)(1) is amended by deleting the phrase "admitted facts" and substituting in lieu thereof the following phrase

"facts, if admitted, would constitute probable cause to believe that the child is a delinquent or unruly child and"

SECTION 4. Tennessee Code Annotated Section 37-1-110(a)(2) is amended by deleting the word "an" and substituting in lieu thereof the phrase "a formal".

SECTION 5. Tennessee Code Annotated Section 37-1-110 is further amended by adding subsection (c) as follows:

(c) Informal adjustment shall not be offered or considered by the probation or intake officer upon receipt of information that, if true, would constitute one or more of the following offenses:

(1) Offenses against persons, as codified in Tennessee Code Annotated

Title 39, Chapters 13-17;

(2) Sexual offenses;

- (3) First degree murder;
- (4) Sexual assault;
- (5) Aggravated criminal sexual assault;
- (6) Aggravated battery with a firearm where the minor personally discharged a firearm;
- (7) Armed robbery when the armed robbery was committed with a firearm;
- (8) Aggravated vehicular hijacking when the hijacking was committed with a firearm.
- (9) Offenses set forth under T.C.A. § 37-1-134;
- (10) Offenses classified as felonies under Tennessee Code Annotated Title 39, if committed by adults.

SECTION 6. Tennessee Code Annotated Section 37-1-110 is further amended by adding subsection (d) as follows:

(d) The court exercising juvenile jurisdiction for each judicial district of this state shall promulgate and adopt written procedures as part of the Local Rules of Court or Local Rules of Practice to implement a program of informal adjustment consistent with and as required by this section and Rule 14 of the Juvenile Rules of Procedure no later than December 1, 2007. The written procedures adopted as part of the Local Rules of Court or Local Rules of Practice to implement a program of informal adjustment shall include appropriate provisions for compliance with all applicable federal and state non-discrimination laws, rules and regulations including Title VI of the Civil Rights Act of 1964.

(1) Before promulgating or adopting written procedures as part of the Local Rules of Court or Local Rules of Practice to implement a program of informal adjustment, the court exercising juvenile jurisdiction for each judicial district of this state shall solicit input from the legislative body of each county within the jurisdiction of the court as to effective strategies and procedures for a

program of informal adjustment designed to reduce the number of formal adjudications to the maximum extent possible.

(2) Commencing January 1, 2009 and not less than annually thereafter, the court exercising juvenile jurisdiction for each judicial district of this state shall solicit input from the legislative body of each county within the jurisdiction of the court as to whether amendments, modifications, changes in strategy or other revisions to the written procedures, adopted as part of the Local Rules of Court or Local Rules of Practice to implement a program of informal adjustment, are needed to improve their effectiveness in reducing the number of formal adjudications to the maximum extent possible.

SECTION 7. This Act shall take effect upon becoming a law, the public welfare requiring it.